



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/547,673	04/12/2000	Atsushi Tomita	44084-449	5765

20277 7590 05/23/2003
MCDERMOTT WILL & EMERY
600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096

EXAMINER

PRIETO, BEATRIZ

ART UNIT	PAPER NUMBER
----------	--------------

2142

4

DATE MAILED: 05/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/547,673

Applicant(s)

TOMITA, ATSUSHI

Examiner

B. Prieto

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/12/00 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> . | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

1. This communication is in response to application No. 09/547,673 filed 04/12/00; claims 1-16 are hereby set forth for examination.
2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy was received with instant application.
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because (i) reference number 4 on Figure 1, has been used to designate both copy machine and CPU of the copy machine; and (ii) CPU 91 of the centralized management unit 90 is not shown (see specification page 7, lines 9-15). Applicant is urged to review instant application for further discrepancies, if any, between the specification and the drawings. Corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1, 4, 8-9, and 11-15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In this case application's disclosure has been reviewed and found that (i) recitation of a "control unit" cannot be found in the specification or any of the other "units", claimed aside from the management units; (ii) counters are at the copying machines not at the centralized management unit (see specs page 7, lines 17-page 9, line 8); (iii) the apparatus management units sends out via (to) the communication network to a centralized management unit a packet (see specs page 8, lines 21 to page 9, line 4, page 11, lines 6-12), or a packet is transmitted from the centralized management unit to the apparatus management unit (see specs page 9, lines 15-18, page 11, lines 6-12); (iv) current time obtained from a clock is transmitted from the centralized management unit (see specs page 14, lines 17-23) to the apparatus management units (see specs page 20, line 23 to page 21, line 4) not from the counter; (v) no means are recited in the disclosure,

therefore none of the claimed apparatus means are supported by the disclosure. Claims will be given the broadest reasonable interpretation in light of the specification (see MPEP 1206).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-5, 7-9 and 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tarr, et. el. (Tarr) U.S. Patent No. 5,184,179 in view of Jarvis U.S. Patent No. 5,918,040.

Regarding claim 15, Tarr teaches substantial features of the invention as claimed, teaching a management system (Figs. 3, 4) that manages apparatuses (52 of Fig. 3) connected to a plurality of apparatus management units (16 of Fig. 1 or 60 of Fig. 3, col 10/lines 5-18) by transmitting and receiving a information (packet) including (apparatus management) data (data: col 66/lines 8/line 9, data: col 3/lines 61-col 4/line 10) between a centralized management unit and the apparatus management units (col 3/lines 54-58, col 6/lines 28-38) via a communication network (col 5/lines 8-13), wherein said management system comprises:

counters (18) at the apparatuses (col 3/lines 61-col 4/line 3); and

apparatus management units (60) for sending out (transmitting) to the communication network information (packet) being addressed to a specified centralized management unit (col 6/lines 23-26; col 11/lines 67-col 11/line 3, transmitting: col 5/lines 14-20);

the centralized management unit receiving (taking in) information from the communication network addressed to itself (col 5/lines 40-49, col 6/lines 6-9);

each said apparatus management units configured for transmitting and receiving the apparatus management data to and from the apparatus (receiving from: col 5/lines 14-19, transmitting to: col 6/lines 28-38, transmitting to: col 8/lines 9-12);

permitting transmission of the apparatus management data to the apparatus connected to said apparatus management unit on condition based on the current time obtained from an internal clock (col 6/lines 39-68);

although prior art teaches the transmission of the apparatus management data from the apparatus to the apparatus management unit and to the centralized management unit, it does not explicitly disclosed where the apparatus management data is included in the packet;

although the prior art teaches permitting transmission of the apparatus management data to the apparatus connected to said apparatus management unit on a predetermined condition based on the current time obtained from a clock, it does not explicitly teach permitting transmission based on a transmission date and time information included in the packet and a expiration (threshold value) information held deciding a period for which the apparatus management data is valid for transmission;

Jarvis teaches a system/method related to transmission of data packet between managed processor, teaching the transmission of data in a packet (col 1/lines 16-21), permitting transmission based on a expiration (transmission) date and time information included in the packet and a threshold value information held deciding a period for which the apparatus management data is valid for transmission, including permitting transmission of data which has not expired (col 2/lines 22-25, 40-col 3/line 10), including obtaining current time information from a clock, current time included in a packet (col 1/lines 35-45, col 2/lines 40-43).

It would have been obvious to one ordinary skilled in the art at the time the invention was made to combine Jarvis and Tarr's teachings to enable transmitting a packet including an expiration time, expiration date and current time from a clock, where the expiration date and time information permits the transmission of management data in the form of a packet to a connected to apparatus management unit or to the centralized management unit for that matter, on a predetermined condition in which the current time is not past an expiration date included in the packet, motivation would be to ensure that old data packets containing stale data are eliminated and not transferred over the network, as taught by Jarvis.

Regarding claims 14, this claim is substantially the same as claim 15, same rationale of rejection is applicable, further include communicating a current time and expiration time (Jarvis: col 1/lines 38-45, col 2/lines 40-62).

Regarding claims 4, 8-9 and 11-13, these claims are substantially the same as claims and/or as discussed on claims 14-15, same rationale of rejection is applicable.

Regarding claims 2 and 5; copy machine (Tarr: 52 of Fig. 3).

Regarding claims 3 and 7; data packet (Jarvis: 32 of Fig. 1, col 1/lines 16-21).

7. Claims ~~1~~, 6, 10 and ~~16~~ are rejected under 35 U.S.C. 103(a) as being unpatentable over Tarr, et. el. (Tarr) U.S. Patent No. 5,184,179 in view of Jarvis U.S. Patent No. 5,918,040 in further view of Frantz U.S. Patent No. 6,003,070.

Regarding claims ~~1~~, 6, 10 and ~~16~~, include limitations previous discussed above, same rationale of rejection is applicable, however the above mention prior art does not explicitly teach transmission between the apparatuses and the management units is made via e-mail across the Internet communication network;

Frantz teaches a management system that manages equipment apparatuses (20 of Fig. 1, col 2/lines 19-31) connected to an apparatus management unit (10 of Fig. 1, col 2/line 15-21) by transmitting and receiving a packet via e-mail including apparatus management data (col 4/lines 56-58, col 5/lines 6-13) between an addressed centralized management unit and the apparatus management units (col 2/lines 32-45) via a communication network (12 of Fig. 1, sending/receiving col 4/lines 32-col 5/line 2), permitting transmission of apparatus management data on predetermined condition (col 5/lines 3-13, 32-39).

It would have been obvious to one ordinary skilled in the art at the time the invention was made to incorporate Frantz teaching for transmission between the apparatuses and the management units is made via e-mail across the Internet communication network, motivation would be enable the transmission between the management units is made via e-mail across the Internet communication network and copiers or any type of equipment that requires monitoring and/or maintenance as implement in management system, and suggested by Frantz.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prieto, B. whose telephone number is (703) 305-0750. The Examiner can normally be reached on Monday-Friday from 6:00 to 3:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, Mark R. Powell can be reached on (703) 305-9713. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-6606. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

Any response to this action should be mailed to:
Commissioner of Patents and Trademarks
Washington, D.C. 20231

or Faxed to:

(703) 746-7239, for Official communications and entry


Or:

(703) 746-7240, for Non-Official or draft communications, please label
"PROPOSED" or "DRAFT".

Or Telephone:

(703) 306-5631 for TC 2100 Customer Service Office.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Fourth Floor (Receptionist), further ensuring that a receipt is provided stamped "TC 2100".


B. Prieto
TC 2100
Patent Examiner
May 15, 2003


MARK R. POWELL
SUPERVISORY PATENT EXAMINER